

REMARKS

In accordance with the foregoing, claims 1, 4, 5, 6, 7, 10, 11, 13, 15, 16, and 17 have been amended, claims 2 and 3 have been cancelled and new claims 19-22 have been added. No new matter is presented and, accordingly, approval and entry of the foregoing amended and new claims are respectfully requested. Claims 19-22 are based on claims 1 and 4-6, respectively, but are not expressed using the “means + function” recitations (permitted under 35 U.S.C. §112, paragraph 6) of those counterpart claims.

Claims 1 and 4-22 are pending and subject to examination herein.

ITEM 1: REJECTION OF CLAIMS 1, 4-5, 7, 10-11, 13 AND 16-17 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER SHIMIZU ET AL. (U.S. PATENT 6,311,013) IN VIEW OF HIRAYAMA ET AL. (U.S. PATENT 5,630,006)

The rejections are respectfully traversed.

Currently amended independent claim 1 and the counterpart independent claim 19 both recite “displaying at the same time in one screen a plurality of images read out from said data storage, wherein the plurality of said images recorded at different time points comprises a plurality of image contents recorded at different time points, or a plurality of images in a given said image content recorded at different time points.”

In contrast, the cited reference to Shimizu et al. (6,311,013) discloses a multi-angle function for reproducing an image obtained by photographing the image from a plurality of shooting angles (see column 1, lines 20 - 22), and describes that images of one subject at a plurality of angles can be reproduced (column 1, lines 22 - 23). From these descriptions, it is inherently apparent that the images in Shimizu et al. are photographed at the same time.

However, the Examiner asserts in the Office Action at page 4, last line to page 5, line 2. “Since each image of...[a?] angle is recorded at different time from an image of another angle, the images are recorded at different time point...[sic-points]. (See Shimizu (col. 5, lines 1-12),” Applicants respectfully submit that the Examiner errs in this contention.

The reference explicitly addresses the fact that the images at the different angles are formed at the same time:

When the reproducing process is performed to execute, for example, the multi-angle function, decoded image data forming images at angles at the same time is stored in each region. For example, decoded image data items of images at first to ninth angles are

assigned and stored in the nine regions.

Since the DVD reproducing apparatus has the above-mentioned frame memory 14, the DVD reproducing apparatus is able to decode coded image data which forms the images at a plurality of angles stored in the DVD and simultaneously display decoded images on a plurality of display portions of, for example, the monitor.

(USP '013 at col. 5, lines 1-12; emphasis added).

Accordingly, it is submitted to be clear from col. 5, lines 1-4 of Shimizu et al., that when the Shimizu reproducing process is performing the multi-angle function, decoded image data which forms the images at a plurality of angles is stored in the DVD and, simultaneously, displayed as decoded images on a plurality of display portions of a monitor. Therefore, Shimizu does not disclose the display of images recorded at different time points but merely discloses reproduction of images taken at different angles and photographed at the same time.

As before noted, each of the independent apparatus claims 1 and 19 as well as the independent method claim 7 and independent recording medium claim 13 specifies the reading of a plurality of images recorded at different time points from a data storage and displaying the plurality of images in a single screen.

It is respectfully submitted that the foregoing has demonstrated the clear patentable distinctions of the invention, as set forth in the independent claims hereof, over the primary reference to Shimizu et al.

The secondary reference to Hirayama et al. is relied on only for the teaching of a "recording means" as taught by Hirayama et al. Hirayama et al. is not relied on as teaching the function as recited in each of the independent claims herein of recording a plurality of images at different time points to produce a corresponding plurality of image contents recorded at different time points or a plurality of images in a given image content recorded at different time points and displaying same on one screen. It follows that Hirayama et al. cannot overcome the deficiencies of Shimizu et al. as the primary reference in support of the rejections of the pending claims herein.

LACK OF *PRIMA FACIE* DEMONSTRATION OF OBVIOUSNESS OF THE COMBINATION

It further is respectfully submitted that the combination is defective for failure of demonstrating *prima facie* obviousness thereof. Instead, the Action merely relies on the contention that "it would have been obvious to one of ordinary skill in the art to modify Nakamura with Hirayama et al...."

It is submitted that the Action fails to satisfy the requirement of a *prima facie* demonstration of obviousness of the combination and, instead, relies on the discredited bare contention that the combination "would have been obvious to one of ordinary skill in the art...." Moreover, motivation to effect the combinations is not supported by the Examiner's suggestions. See MPEP 706.02(j), which emphasizes that the Examiner should set forth in the Office Action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate, (B) the difference or differences in the claim over the applied reference(s), (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and (D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See **MPEP § 2143 - § 2143.03** for decisions pertinent to each of these criteria.

CONCLUSION

It is respectfully submitted that the foregoing has demonstrated the clear patentability of the pending claims over the references and rejections of record. There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

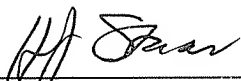
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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